



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

October 18, 2017

Mr. John Jaschke
Executive Director
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Dear Director Jaschke:

Thank you for your September 29, 2017, letter to EPA Administrator Scott Pruitt regarding the state of Minnesota's interest in assumption of the Clean Water Act (CWA) Section 404 permitting program.

As mentioned in your letter, the National Advisory Council for Environmental Policy and Technology, through their Subcommittee on Assumable Waters, provided recommendations on how EPA could clarify which waters are assumable by states and tribes. I appreciate Minnesota's participation on this subcommittee, and the identification of recommendations that the state of Minnesota supports. Mr. Les Lemm's insights, experience, knowledge of Minnesota's feasibility study and his enthusiasm greatly assisted the subcommittee's deliberations. EPA is now carefully reviewing and considering how best to provide the requested clarity.

While the CWA does not provide dedicated funding to states solely for the administration of state CWA Section 404 programs, states are authorized to use CWA Section 106 grants to implement CWA Section 404 programs. Some states also have used Wetland Program Development Grants to fund projects to support their 404 assumption investigations.

As EPA works to provide clarity regarding which waters are assumable, and to remove or minimize other barriers to assumption that are within our control, I hope Minnesota remains engaged in these efforts.

Thank you again for meeting with Administrator Pruitt and your engagement on this important issue.

Sincerely,

A handwritten signature in black ink, reading "Catherine A. Libertz", is positioned above the typed name.

Catherine A. Libertz, Acting Director
Oceans, Wetlands and Communities Division